

IN RE: PETITION FOR VARIANCE
N/S Park Avenue, 150' NW of
Prospect Avenue
(1715 Park Avenue)
13th Election District
1st Councilmanic District

Michael D. Marino, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-496-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1715 Park Avenue, located in the vicinity of Washington Boulevard in Arbutus. The Petition was filed by the owners of the property, Michael D. and Kimberly A. Marino. The Petitioners seek relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (an existing deck attached to the side of a dwelling) with a side setback of 3 feet in lieu of the minimum required 7.5 feet, and to amend the previously approved site plan in Case No. 93-99-A, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Michael Marino, legal owner of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.1435 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling, and an attached open deck, which is the subject of this request. The deck is located on the east side of the dwelling, and is approximately 8 feet wide, by 20 feet long. Mr. Marino testified that he constructed this deck approximately three years ago,

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

shortly after their purchase of the property. However, it was recently discovered that the deck is located too close to the property line and the Petitioners wish to correct the problem to legitimize the deck. Further testimony revealed that the neighbor on the affected side has no objections to the variance. In addition, the Petitioner noted that this property was the subject of prior Case No. 93-99-A in which the Petitioners were granted variance relief to construct the dwelling that exists on the property today. As a result of the relief requested herein, a modification to the previously approved site plan is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

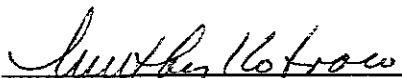
ORDER RECEIVED FOR FILING
Date 7/18/96
By [Signature]

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of July, 1996 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (an existing deck attached to the side of a dwelling) with a side setback of 3 feet in lieu of the minimum required 7.5 feet, and to amend the previously approved site plan in Case No. 93-99-A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 18, 1996

Mr. & Mrs. Michael D. Marino
1715 Park Avenue
Arbutus, Maryland 21227

RE: PETITION FOR VARIANCE
N/S Park Avenue, 150' NW of Prospect Avenue
(1715 Park Avenue)
13th Election District - 1st Councilmanic District
Michael D. Marino, et ux - Petitioners
Case No. 96-496-A

Dear Mr. & Mrs. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for

TMK:bjs
Baltimore County

cc: People's Counsel

File

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1715 PARK AVENUE 21227

96-496-A

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 AND 301.13C2R

TO PERMIT AN OPEN PROJECTION (AN EXISTING DECK ATTACHED TO THE SIDE OF A DWELLING) WITH A SET BACK OF 3 FT IN LIEU OF THE REQUIRED 7 1/2 FT. AND TO AMEND THE PRIOR APPROVED PLAN of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) IN CASE #93-99-A

DECK WAS BUILT ON THE SIDE OF THE HOUSE 7-93.

I HAVE 11 FEET THE DECK IS 8 FEET WIDE

ALLOWING ONLY 3 FEET CLEARANCE, WHICH IS MADE INTO A SIDEWALK. ATRIUM DOORS WERE INSTALLED BY THE BUILDER ORIGINALLY.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

MR. MICHAEL D. MARINO

(Type or Print Name)

Michael D. Marino

Signature

MRS. KIMBERLY A. MARINO

(Type or Print Name)

Kimberly A. Marino

Signature

410 242-7163

410 887-5521

1715 PARK AVENUE

Address

Phone No.

Arbutus

MD

21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

ZONING DESCRIPTION

495
96-496-A

ZONING description for 1715 PARK AVENUE
Halethorpe Maryland 21227.

Beginning AT A POINT ON the North
SIDE OF PARK AVENUE which is 50 FEET
WIDE AT the distance of 150 FEET
North WestERly from the CORNER formed
by the INTERSECTION of the Northwest
SIDE OF PROSPECT AVENUE. BEING
LOT # 25A AS RECORDED IN BALTIMORE
COUNTY PLAT BOOK # 8, Folio # 64
CONTAINING 6250 SQUARE FEET ALSO
KNOWN AS 1715 PARK AVENUE 21227. LOCATED
IN the 13 ELECTION DISTRICT, 1 Councilmanic
DISTRICT.

DEED RECORDED Liber No. 6522 AT Folio 62
N. 28 30'00 W 50 ft. N. 61 30'00 E, 125.00 ft
S. 28 30'00 E 50 ft. S. 61 30'00 W, 125.00 ft
TO the place of the BEGINNING.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-496-A
Towson, Maryland

District 13th Date of Posting 6/21/96
Posted for: Variance
Petitioner: Michael & Kimberly Morino
Location of property: 1715 Park Ave
Location of Sign: Facing roadway on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 6/28/96
Number of Signs: 1



MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN E-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

VLL # 495
No. 022006

96-496-A

DATE 6/13/96 ACCOUNT R0016150

AMOUNT \$ 85.00

RECEIVED FROM: MARINO

1 RV 1715 PARK AVE.

FOR: TSIAN

MICROFILMED

COPIES 4/1/96
BY: [illegible]

85.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #88-498-A
(Item 485)
1715 Park Avenue
NW of Prospect Avenue
13th Election District
1st Councilmanic
Legal Owner(s):
Michael D. Marino and
Kimberly A. Marino

Variant: to permit an open projection (an existing deck attached to the side of a dwelling) with a setback of 3 feet in lieu of the required 7-12 feet and to amend the prior approved plan in case #83-98-A.

Hearing: Friday, July 12, 1996
at 2:00 p.m. in Rm. 106,
County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please call 887-3353.
(2) For information concerning the file and/or Hearing, Please Call 887-3391.

6/29/96 June 27 082786

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/27, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/27, 1996.

THE JEFFERSONIAN,

A. H. Smith

LEGAT. in TOWSON

MAILED 7/1/96



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 425 Petitioner: MICHAEL D. MARINO
Location: 1715 PARK AVENUE 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MICHAEL D. MARINO
ADDRESS: 1715 PARK AVENUE
ARBUTUS MARYLAND 21207
PHONE NUMBER: 410 242-7163

MICROFILMED



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____

acreage _____

square feet _____

public private
SEWER: ☐ ☐

WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ ☐

yes no

Prior Zoning Hearings: _____

Zoning Office USE ONLY

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PUTUXENT PUBLISHING COMPANY
June 27, 1996 Issue - Jeffersonian

Please forward billing to:

Michael D. Marino
1715 Park Avenue
Arbutus, Maryland 21227
242-7163

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-496-A (Item 495)
1715 Park Avenue
N/S Park Avenue, 150' NW of Prospect Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Michael D. Marino and Kimberly A. Marino

Variance to permit an open projection (an existing deck attached to the side of a dwelling) with a setback of 3 feet in lieu of the required 7-1/2 feet and to amend the prior approved plan in case #93-99-A.

HEARING: FRIDAY, JULY 12, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 20, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-496-A (Item 495)
1715 Park Avenue
N/S Park Avenue, 150' NW of Prospect Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Michael D. Marino and Kimberly A. Marino

Variance to permit an open projection (an existing deck attached to the side of a dwelling) with a setback of 3 feet in lieu of the required 7-1/2 feet and to amend the prior approved plan in case #93-99-A.

HEARING: FRIDAY, JULY 12, 1996 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Michael and Kimberly Marino

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 5, 1996

Michael and Kimberly Marino
1715 Park Avenue
Arbutus, MD 21227

RE: Item No.: 495
Case No.: 96-496-A
Petitioner: Michael Marino, et ux

Dear Mr. and Mrs. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 12, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a rectangular stamp that contains the same name in a serif font.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

PROCESSED



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 06/26/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 24, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 490, 491, 493, 494, 495, 496,
497, 498 and 499.

2 1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 6/27/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: For July 1, 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

490

492

493

494

495

496

498

499

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-21-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204


RE: Baltimore County
Item No. 495 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 19, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

476, 9W2.

Item No. Nos. 490, 492, 493, 494, 495, 496, 498, and 499

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey Long

Division Chief:

Carol L. Kerns

PK/JL

RECEIVED

ITEM476/PZONE/ZAC1

PETITION PROBLEMS

#490 --- RT

1. Petition does not say what is being requested.
2. No printed name or title for person signing for contract purchaser.

#492 --- MJK

1. No telephone number for legal owner.
2. No printed name or title for person signing for lessee.

#495 --- JLL

1. No review information on bottom of petition form.

#498 --- CAM

1. Only one folder with petition -- "box" is not acceptable.

6/18/96

MICROFILMED

RE: PETITION FOR VARIANCE
1715 Park Avenue, N/S Park Avenue, 150'
NW of Prospect Avenue, 13th
Election District, 1st Councilmanic

Michael and Kimberly Marino
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-496-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael and Kimberly Marino, 1715 Park Avenue, Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE
N/S Park Avenue, 125' W of the
c/l of Prospect Avenue
(1715 & 1717 Park Avenue)
13th Election District
1st Councilmanic District

Richard A. Baker, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-99-A
*

495
96-496-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Richard A. Baker, Robert T. Baker, and Emily C. Baker. The Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and from Section 304.4 of the B.C.Z.R. to determine design compatibility for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Matt Necker, President, The Decker Group, Contract Purchaser of the subject property, and Bob Liggett. There were no Protestants.

Testimony indicated that the subject property, known as 1715 and 1717 Park Avenue, consists of two lots, identified as Lots 25-A and 25-B on Petitioner's Exhibit 1, containing 13,000 sq.ft. total. Lot 25-B is improved with a dwelling and Lot 25-A is unimproved. The Petitioners are desirous of developing Lot 25-A with a single-family dwelling in accordance with that depicted on Petitioner's Exhibit 2, an elevation drawing of the proposed dwelling. Testimony indicated that the proposed dwelling will meet all setback requirements; however, since the lot in question is only 50-feet wide, the requested variance is necessary. The Petitioners testi-

ORIGINAL RECEIVED FOR FILING

Date 11/28/92 By [Signature]

MICROFILMED

MICROFILMED

fied that the design of the proposed dwelling will be compatible with other dwellings in the neighborhood and meets the requirements of Section 304.4 of the B.C.Z.R. Further, the granting of the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

ORDER RECEIVED FOR FILING

Date


By

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of November, 1992 that the Petition for Zoning Variance requesting relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and from Section 304.4 of the B.C.Z.R. to determine design compatibility for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

COPIES RECEIVED FOR FILING

Date

By

A-PP-2P

LINDEN

101

AVENUE

AVENUE

AVENUE

AVENUE

RIDGE

ARBUTUS

WOODSIDE

495

LINCOLN RD

SITE

D.R. 5.5

PROSPECT

AVE

AVE

AVENUE

AVENUE

BR-55

90-367-SPH
(6-26)

90-256-
9-20-22

MICROFILMED

MICROFILMED

D. R.

SW

D6

(104)

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #1715 PARK AVENUE see pages 5 & 6 of the CHECKLIST for additional required information

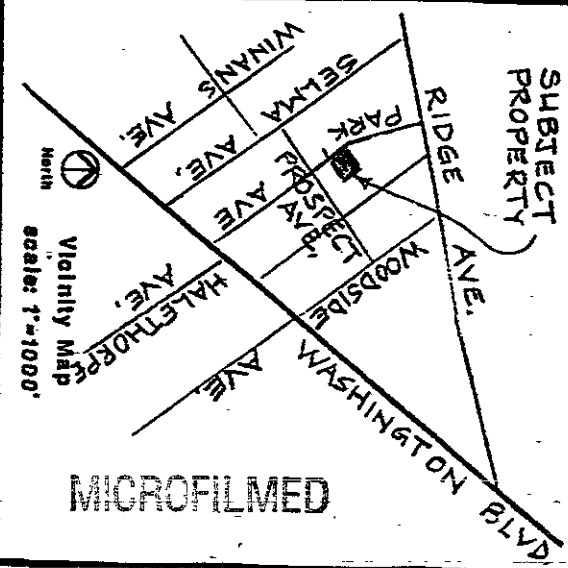
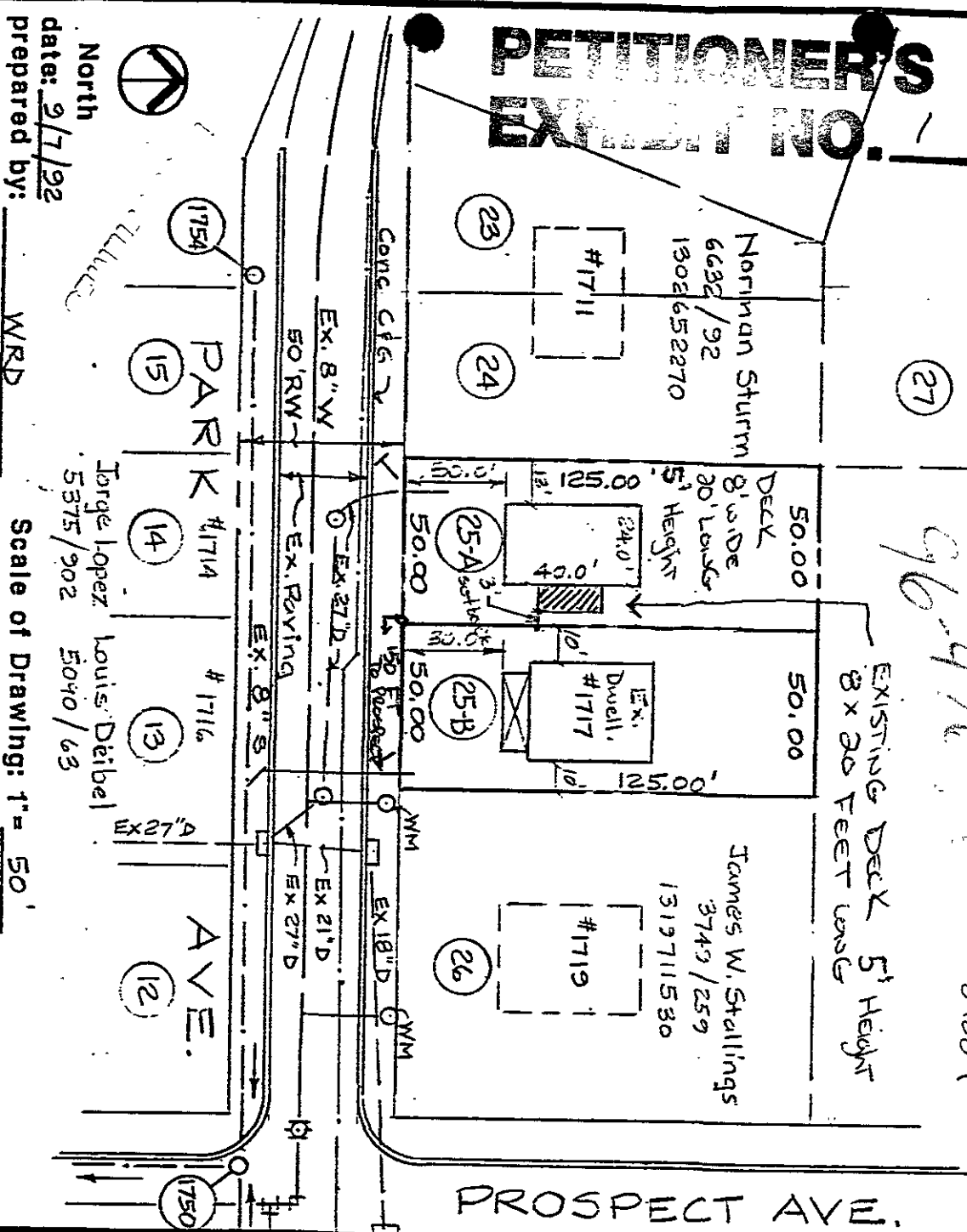
Subdivision name: RESUBDIVISION OF LOTS N^o 364 THRU 374 & A PART OF 363
 plat book# 8, folio# 64, lot# 25-A, section#

OWNER: MICHAEL D. MARINO Applicant's

1715 PARK AVENUE
 ARBUTUS MD 21007
 MICHAEL D. MARINO
 1715 PARK AVENUE
 ARBUTUS MD 21007

96-496

PETITIONER'S EXHIBIT NO. 1



MICROFILMED

LOCATION INFORMATION

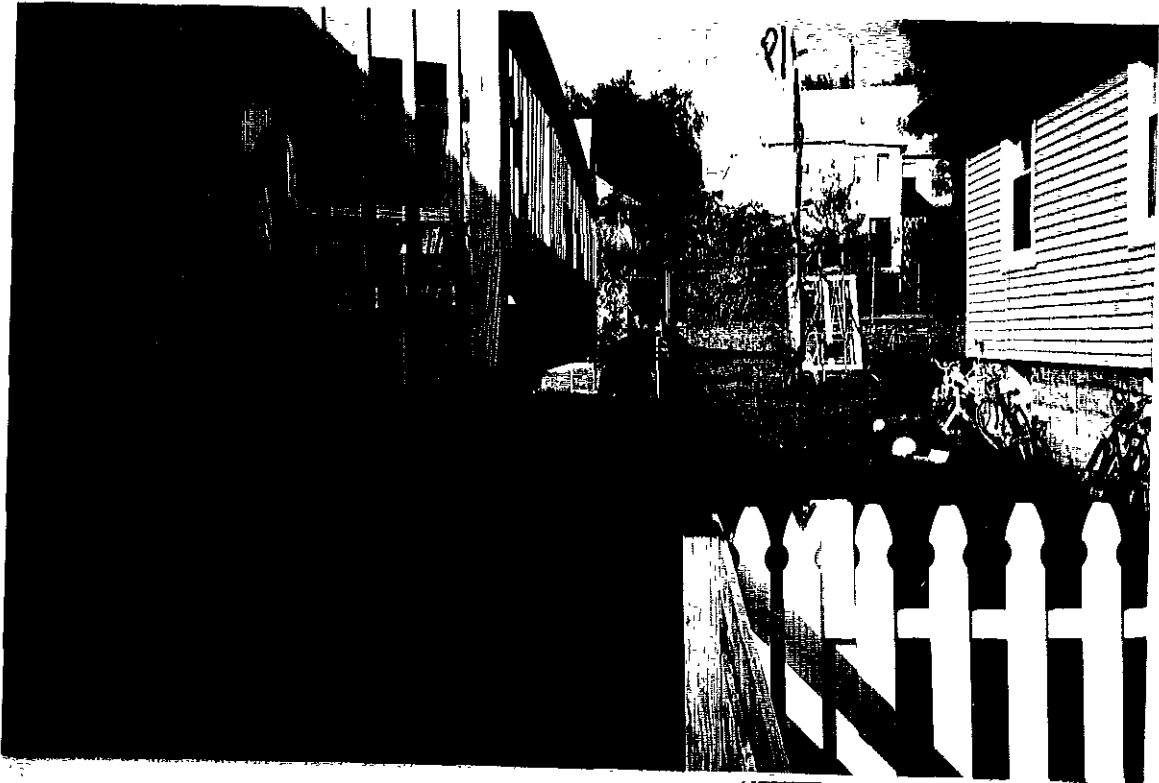
Councilman's District: 1
 Election District: 13
 1"=200' scale map#: S.W. C-D
 Zoning: DR 5.5
 Lot size: 0.1435 = 6250 A price acreage square feet

Public Private
 8" SEWER: ☒ ☐
 8" WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: 93-99A

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:
 JLC 495

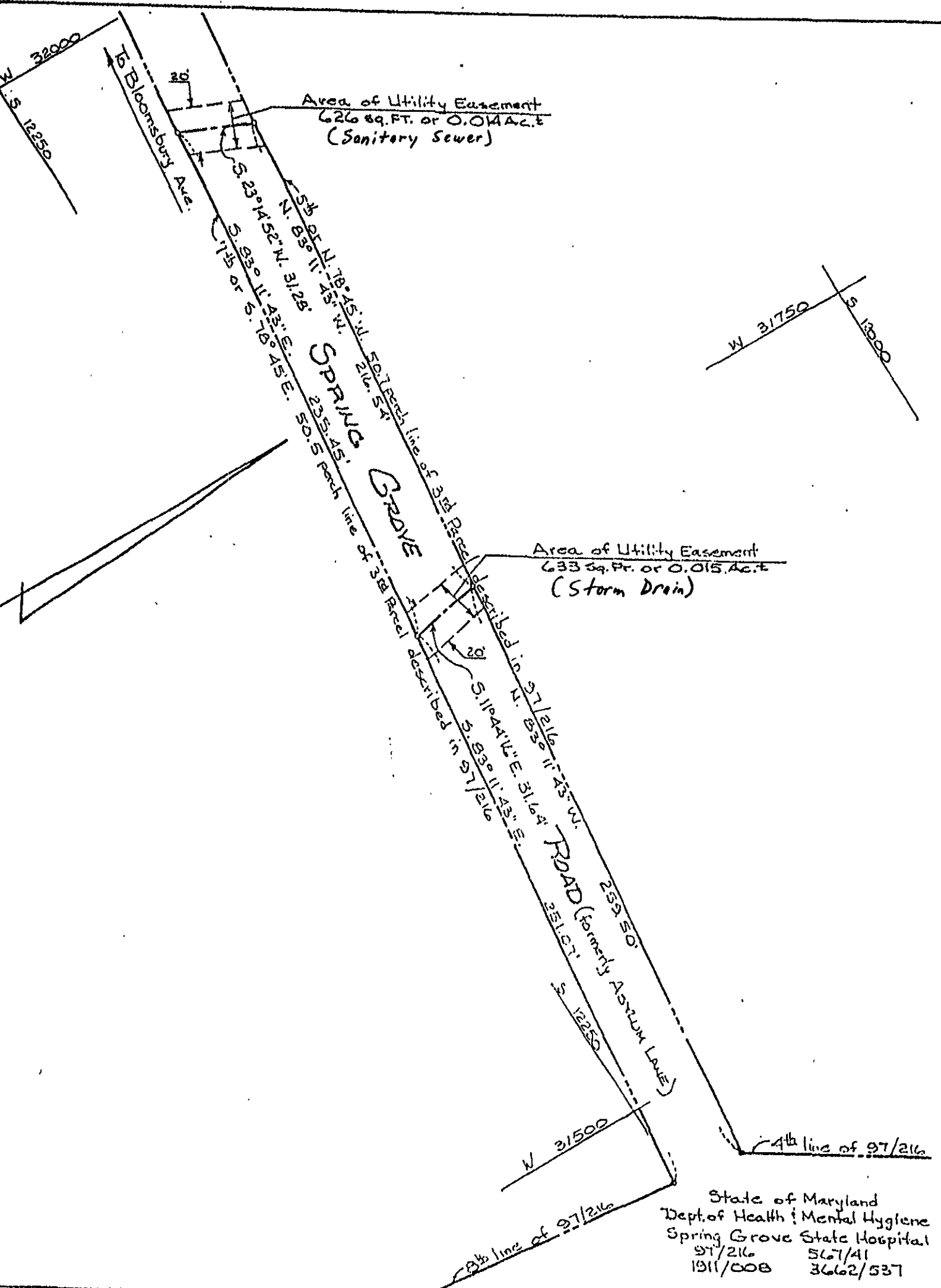
North
 date: 9/7/92
 prepared by: WRD
 Scale of Drawing: 1"= 50'



PETITIONER'S

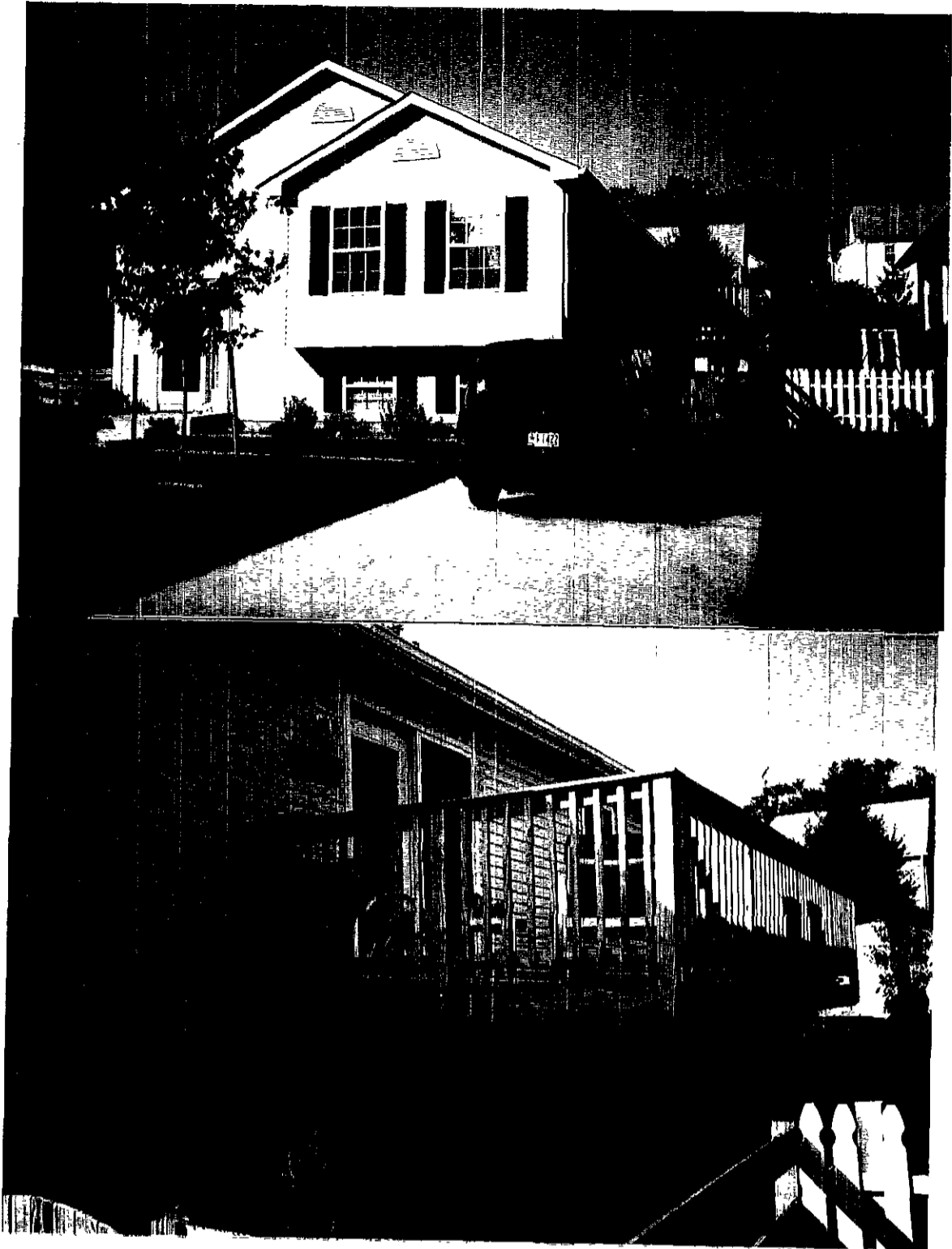
EXHIBIT NO. 2A

MICROFILMED



State of Maryland
 Dept. of Health & Mental Hygiene
 Spring Grove State Hospital
 97/216 567/41
 1911/008 3662/537

Baltimore County		Office of Law		Division of Real Estate	
Project No.		Position Sheet No.		Federal Project No.	
		Construction Plan No.		Maryland Project No.	
Director of Public Works Chief, Division of Real Estate Supervisor of Drafting		<input type="checkbox"/> Area to be Acquired <input checked="" type="checkbox"/> Reversible Slope Easement <input checked="" type="checkbox"/> Temporary Construction Area		<input checked="" type="checkbox"/> Existing County R/W <input checked="" type="checkbox"/> Area to be Released <input checked="" type="checkbox"/> Temporary Slope Easement	
		Item No. Recorded _____ _____ _____		Drawn by _____ Plat Checked _____ Area Checked _____ Title Checked _____	
		Date 9-26-95 Reg. No. P.L.S. # 6		Sheet _____ of _____ Scale _____ B.C. Job Order No. _____ R W - -	



PETITIONER'S
EXHIBIT NO. 2B

MICROFILMED

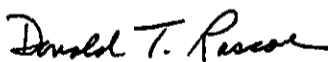
Delegate Jim Kelly
Latshaw Property
March 11, 1996
Page 2

The refinement proposal included building a one story building of 9,200 square feet for medical offices rather than two buildings, one of 5,060 square feet for general offices (two stories) and one of 10,003 square feet for medical offices (three stories). The total reduction of square footage dropped from 15,063 square feet to 9,200 square feet. The parking requirement for the two buildings would have been 59 cars. Parking requirements for the proposed refinement dropped to 43 cars.

When the proposal first came to the attention of the DRC there was interest from the surrounding community. A request was made by representatives of various community groups to table the action of the DRC until they could meet with Mr. Latshaw to discuss development of the project. Mr. Latshaw and these community representatives did meet prior to the DRC action.

At the February 26, 1996, meeting of the DRC, the refinement was approved. I have enclosed for you a copy of their request and our approval letter.

Sincerely,



Donald T. Rascoe
Development Manager

DTR:aw
Enclosures
c: File